



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: SEPTEMBER 27, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: TXT-24007 – APPLICANT/OWNER: CITY OF LAS VEGAS

** CONDITIONS **

STAFF RECOMMENDATION: **APPROVAL**, subject to:

1. That Table 2 of Title 19.04.010, “Land Use Tables,” is hereby amended as follows:

Table 2 – Land Use Table
Retail & Personal Service

USE	RESIDENTIAL												COMMERCIAL					INDUSTRIAL			
Liquor Establishment (Tavern)	U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
																	S	S	S	S	S
Description: A facility which sells alcoholic beverages for consumption on the premises where the same are sold and authorizes the sale, to consumers only and not for resale, of alcoholic beverages in original sealed or corked containers, for consumption off the premises where the same are sold.																					
Minimum Special Use Permit Requirements: <div><div>1.</div><div>Pursuant to its general authority to regulate the sale of alcoholic beverages, the City Council declares that the public health, safety and general welfare of the City are best promoted and protected by generally requiring both a minimum separation between liquor establishments (taverns), and a minimum separation between a liquor establishment (tavern) and certain other uses that should be protected from the impacts associated with a liquor establishment (tavern). Therefore, except as otherwise provided below, no liquor establishment (tavern) may be located within 1500 feet of any other liquor establishment (tavern), church, synagogue, school, child care facility licensed for more than 12 children, or City park.</div><div>2.</div><div>The distance separation referred to in Requirement 1 shall be measured with reference to the shortest distance between two property lines, one being the property line of the proposed liquor establishment (tavern) which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use to which is closest to the proposed liquor establishment (tavern). The distance shall be measured in a straight line without regard to intervening obstacles.</div><div>3.</div><div>For the purpose of Requirement 2, and for that purpose only:<div><div>a.</div><div>The “property line” of a protected use refers to the property line of a fee interest parcel that has been created by an approved and recorded parcel map or subdivision map, and does not include the property line of a leasehold parcel; and</div><div>b.</div><div>The “property line” of a liquor establishment (tavern) refers to:<div><div>i.</div><div>The property line of a parcel that has been created by an approved and recorded parcel map or commercial subdivision map; or</div><div>ii.</div><div>The property line of a parcel that is located within an approved and recorded commercial subdivision and that has been created by a record of survey or legal description, if:<div><div>A.</div><div>Using the property line of that parcel for the purpose of measuring the distance separation referred to in Requirement 1 would qualify the parcel under the distance separation requirement;</div><div>B.</div><div>The proposed liquor establishment (tavern) will have direct access (both ingress and egress) from a street having a minimum right-of-way width of 100 feet. The required access may be shared with a larger development but must be located within the property lines of the parcel on which the proposed liquor establishment (tavern) will be located;</div><div>C.</div><div>All parking spaces required by this Table 2 and LVMC Chapter 19.10 for the liquor establishment (tavern) use will be located on the same parcel as the use; and</div><div>D.</div><div>The owners of all parcels within the commercial subdivision, including the owner of the parcel on which the liquor establishment (tavern) will be located, execute and record an agreement, satisfactory to the City Attorney, that provides for perpetual, reciprocal cross-access, ingress and egress throughout the commercial subdivision.</div></div></div></div></div></div><div>4.</div><div>The distance separation requirement set forth in Requirement 1 does not apply to an establishment which has a non-restricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992, or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992.</div><div>5.</div><div>The distance separation requirement set forth in Requirement 1 may be waived in accordance with the provisions of Paragraph 19.04.050(A)(4), but only in connection with a proposed liquor establishment (tavern) that:<div><div>a.</div><div>Will be located on a parcel within the C-V District, <u>the Parkway Center District</u> or the Downtown Casino Overlay District;</div><div>b.</div><div>Will be located on a parcel or within a building that, pursuant to State law or City ordinance, has been designated as an historic property, historic building, or landmark;</div><div>c.</div><div>Will be located within a regional mall; or</div><div>d.</div><div>Will be separated from the existing use by a street or highway with a minimum right-of-way width of 100 feet.</div></div></div><div>*6.</div><div>The use shall conform to, and is subject to, the provisions of LVMC Chapters 6.40 and 6.50.</div></div></div>																					

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	On-site Parking Requirement: One space for each 50 square feet of public seating and waiting area (including areas for seating and waiting), plus one space for each 200 square feet of the total remaining gross floor area, with a minimum of ten spaces required.
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**** STAFF REPORT ****

APPLICATION REQUEST

This is a request to amend Title 19.04 to allow distance separation waivers for Liquor Establishment (Tavern) uses in the Parkway Center District.

EXECUTIVE SUMMARY

The proposed amendment will limit taverns within the Parkway Center District to the Union Park site, and will contribute to the overall vitality of that development. As the nearest protected uses are located across the railroad tracks to the east of Parkway Center, the proposed amendment will not impact existing facilities. Consequently, staff recommends approval of the request.

BACKGROUND INFORMATION

Title 19.04 currently requires that taverns have a separation distance of 1,500 feet from protected uses (schools, churches, synagogues, child care facilities, parks) and from other taverns. Due to these separation distance requirements, only a small portion of the Union Park site is eligible for tavern uses.

ANALYSIS

The proposed amendment will allow the required 1,500 foot distance separation requirement to be waived for Liquor Establishment (Tavern) uses within the Parkway Center District of the Downtown Centennial Plan. Taverns in Parkway Center will still require a Special Use Permit application, but the distance separation requirements may be waived by City Council upon a finding that the use is appropriate for the location. The distance separation waiver is already in place for C-V (Civic) zoned properties and for operations within the Downtown Casino Overlay District.

Two separate adopted documents dictate allowable uses within the Parkway Center District: The Union Park Design Standards Manual, which applies solely to the Union Park site, and the Parkway Center Development Standards, which are contained in the Downtown Centennial Plan. Tavern uses are currently permitted on the Union Park site per the Union Park Design Standards Manual; however, the tavern use is not listed as a permitted use in the Parkway Center Development Standards. Consequently, the tavern use would be restricted to the Union Park site under the current regulations. The Union Park site will include a full spectrum of commercial, office, civic and residential uses, and the tavern use is appropriate for the site. The nearest protected uses are located across the railroad tracks to the east of the site, and approval of this amendment will not pose any impacts to these uses.

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FINDINGS

Staff finds that the proposed amendment to allow distance separation waivers for the Liquor Establishment (Tavern) use within the Parkway Center District will achieve the following:

- Allow reasonable placement of tavern uses within the Union Park site;
- Provides a public hearing review of the waiver request and allows City Council to consider impacts to adjoining properties and protected uses; and
- Provides an appropriate mixture of uses on the Union Park site.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT N/A

SENATE DISTRICT N/A

NOTICES MAILED NEWSPAPER ONLY

APPROVALS 0

PROTESTS 0